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Attorney for Plaintiffs  
Vladimir Balarezo, Abelardo Guerrero,  
Victor Funez & Osmin Avila

UNITED STATES DISTRICT COURT  
FOR DISTRICT OF NORTHERN CALIFORNIA

VLADIMIR A. BALAREZO, ET AL.,  
individually and on behalf of others similarly  
situated

Plaintiff,

vs.

NTH CONNECT TELECOM INC., AND  
STEVEN CHEN,

Defendants

Case No.:C07-05243 JF

**DECLARATION OF VLADIMIR  
BALAREZO IN SUPPORT OF  
PLAINTIFFS' MOTION FOR APPROVAL  
OF *HOFFMANN-LA ROCHE* NOTICE**

Date: April 11, 2008

Time: 9:00 AM

Judge: Jeremy Fogel

I, the undersigned, declare as follows:

1. I am over 18 years old, and I am the Plaintiff in this case. I have personal knowledge of the matters stated herein. If called upon to testify before this Court, I would and could do so to the same effect.

2. I was employed by Defendant Nth Connect Telecom Inc. ("Nth Connect") as an Installation Technician approximately from October 2006 to August 2007.

1           3.       My duties as an Installation Technician at the Nth Connect were to install cable  
2 equipments for Comcast at the customers' houses as dispatched at various specified time periods  
3 during the day.

4           4.       I was compensated by piece for the work I performed. Specifically, I was  
5 compensated a specific rate for each installation I had completed. The piece rate would vary,  
6 depending on the nature of the particular job I was dispatched to perform. At the end of each pay  
7 period, Nth Connect would give me an earnings statement that summarized all the work I  
8 performed during the pay period, and the amount I earned for that pay period. Exhibit 1 hereto is  
9 a true and accurate copy of various earnings statement issued to me for the period from April 1 to  
10 April 14, 2007. As demonstrated by Exhibit 1, the amount I earned bore no relation to the hours  
11 I worked during the pay period.

12           5.       I was never paid according to an agreed-upon hourly rate.

13           6.       My pay was never based on the number of hours I worked.

14           7.       In processing the payroll, Nth Connect would arbitrarily assign me an artificial  
15 hourly rate at or near the minimum wage, and reverse engineer the payroll calculation using the  
16 number of hours shown on my daily time cards. As result, my payroll statement would show  
17 that I was paid an hourly rate near the minimum wage for regular hours worked within 8 hours  
18 per day or 40 hours per week, and time and one-half of that falsified hourly rate for hours  
19 worked in excess of 8 hours per day or 40 hours per week. Such reverse-engineered hourly  
20 earnings for a particular pay period would inevitably differ from the amount I actually earned  
21 based on the installation work I performed during that pay period. Nth Connect would then list  
22 an extra amount as "bonus", "gas reimbursements", "expenses" and "tools", etc. to make up the  
23 difference so that the gross amount I received from Nth Connect per pay period as reflected on  
24 the payroll statement for that period would always confirm with the amount I earned based on  
25 the installation work performed, while in reality, I was not paid any amount in addition to the  
earnings from installations based on piece rate. Exhibit 2 hereto is a true and correct copy of

1 pay stub for the period from April 1 to April 14, 2007 which was reverse-engineered to make it  
2 appear that I was paid by an hourly rate for regular hours and one and one-half of that hourly rate  
3 for overtime hours worked.

4 8. Based on my personal knowledge of Nth Connect's operations that I gained  
5 during my employment with Nth Connect, I know that none of the Techs received overtime pay  
6 premiums. I often spoke with other Techs during my tenure about our terms and conditions of  
7 employment. From my own experience, what I learned from my managers, I learned that Nth  
8 Connect observed a uniform policy applicable to all Techs of paying only piece rate earnings  
9 from the installations performed despite that Techs worked substantial overtime hours every  
10 week.

11 I declare under penalties of perjury under the laws of the United States that the foregoing  
12 is true and accurate.

13 Dated: March 6, 2008

14  
15 By: /s/ Vladimir Balarezo  
16 Vladimir Balarezo  
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Bi-Weekly Payout  
Vehicle #  
Mileage In:  
Mileage Out:  
Total Mileage:  
Vladimir Balarezo

4/1	to	4/14
0		

PAYROLL	\$ 2,788.25
Deductions	\$0.00
Total	\$2,788.25

Delta Valley															Total Bi Week	First Week	Second Week	Payroll
CODE	Price	4/1/2007	4/2/2007	4/3/2007	4/4/2007	4/5/2007	4/6/2007	4/7/2007	Total	4/8/2007	4/9/2007	4/10/2007	4/11/2007	4/12/2007	4/13/2007	4/14/2007	Total	
Aerial SDU New Connect	NAH \$23.00								0								0	\$ -
Underground New Connect	NUH \$18.00				1	1	2		4								4	\$ 72.00
Apartment MDU New Connect	NLB \$18.75								0								0	\$ -
Reconnect SDU/MDU	REN or RLB \$18.75			1	1	2	1		5		2	1	1		2		6	\$ 93.75
Make Hot Tap (Resfar)	MHT \$9.00								0								0	\$ -
Connect Existing A/D	EOI \$5.00	2	1	1	1	1	4	3	12		1	2	4		5		12	\$ 60.00
Additional Outlet Same Trip	AOI \$9.00			2		8	2	1	13		2		5		8	3	18	\$ 117.00
Additional Outlet Separate Trip	ASU or ASW \$17.00					1			1			1		1			2	\$ 17.00
Drop Removal	RED \$10.00								0								0	\$ -
Drop Replacement	RPD \$10.00								0								0	\$ -
Cable Card Install	CCI \$20.00								0				1		1		2	\$ 40.00
House Amplifier	HAP \$5.00								0								0	\$ -
Disconnect Video/HSI	DXS \$6.00								0								0	\$ -
Disconnect with Equipment Pickup	DXE \$11.00								0								0	\$ -
Upgrade/Downgrade Service Tier Change	STC \$13.00								0		1	1			2	1	5	\$ 65.00
Up/Downgrade Additional Digital Box	ADI \$6.00			1		1			2			4	1		7		12	\$ 12.00
Separate Trip DCT Upgrade	SDB \$13.00	2	1				2	2	7		1	2	4	1	1	1	10	\$ 91.00
Customer Service Call	CSC \$23.00								0								0	\$ -
Troubleshoot Non-Responding DCT	TNR \$23.00								0								0	\$ -
Satellite Dish Removal	SAL \$9.00								0								0	\$ -
HSI INSTALL									0								0	\$ -
HSI Premium New Connect	PNC \$50.00			1					1								0	\$ 50.00
HSI Premium Reconnect	PRC \$40.00	1	2			2	1		6		3	2		1		1	7	\$ 240.00
Home Networking	HNI \$14.00								0								0	\$ -
Self Installation Kit	SKI \$3.00								0								0	\$ -
Dual Install New SDU (Video and HSI)	NVH \$60.00				1				1						1		1	\$ 60.00
Dual Install New MDU (Video and HSI)	NVH \$60.00						1		1								0	\$ 60.00
Dual Install Reconnect SDU (Video and HSI)	RVH \$50.00	4	2	1	1				5	13		1	2			2	5	\$ 650.00
Dual Install Reconnect MDU (Video and HSI)	RVH \$50.00								0								0	\$ -
CDV WORK ORDER TYPE									0								0	\$ -
CDV NEW CONNECT	CNC \$55.00								0								0	\$ -
CDV RECONNECT	CRC \$45.00								0								0	\$ -
TELEPHONE LINE	TEL \$10.00								0								0	\$ -
RECONFIGURE PHONE	RPJ \$5.00								0								0	\$ -
VERIFYING CUSTOMER ALARM	VCA \$7.00								0								0	\$ -
SECOND PHONE LINE	STL \$7.00								0								0	\$ -
DUAL INSTALL - NEW VIDEO AND CDV (SDU)	NVP \$70.00								0								0	\$ -
DUAL INSTALL - NEW VIDEO AND CDV (MDU)	NVP \$70.00								0								0	\$ -
DUAL INSTALL - NEW HSI AND CDV (SDU)	NHP \$70.00								0								0	\$ -
DUAL INSTALL - NEW HSI AND CDV (MDU)	NHP \$70.00								0								0	\$ -
DUAL INSTALL - RECONNECT VIDEO AND CDV (SDU)	RVP \$80.00								0								0	\$ -
DUAL INSTALL - RECONNECT VIDEO AND CDV (MDU)	RVP \$80.00								0								0	\$ -
DUAL INSTALL - RECONNECT HSI AND CDV (SDU)	RHP \$80.00								0								0	\$ -
DUAL INSTALL - RECONNECT HSI AND CDV (MDU)	RHP \$80.00								0								0	\$ -
CDV TRIPLE INSTALL WORK ORDER TYPE									0								0	\$ -
TRIPLE INSTALL - NEW VIDEO, HSI AND CDV (SDU)	NTC \$80.00								0								0	\$ -
TRIPLE INSTALL - NEW VIDEO, HSI AND CDV (MDU)	NTC \$80.00								0								0	\$ -
TRIPLE INSTALL - RECONNECT VIDEO, HSI AND CDV (SDU)	RTC \$70.00								0								0	\$ -
TRIPLE INSTALL - RECONNECT VIDEO, HSI AND CDV (MDU)	RTC \$70.00								0								0	\$ -

\$1,522.75 \$1,265.50 \$2,788.25

P00057



CO. FILE DEPT. CLOCK NUMBER 075  
EJG 100144 000004 0081558605 1

NTH CONNECT TELECOM, INC.  
1435 KOLL CIRCLE SUITE 101  
SAN JOSE, CA 95112

Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 3  
CA: 3

Social Security Number: XXX-XX-8701

## Earnings Statement



Period Beginning: 04/01/2007  
Period Ending: 04/14/2007  
Pay Date: 04/24/2007

VLADIMIR A BALAREZO  
2631 RENTON WAY  
CASTRO VALLEY CA 94546

Earnings	rate	hours	this period	year to date
Regular	7.5000	80.00	600.00	5,300.00
Overtime	11.2500	42.50	478.13	3,046.33
Piece Work			1,069.93	4,959.80
Bonus				3,824.26
<b>Gross Pay</b>			<b>\$2,148.06</b>	17,130.39

Deductions	Statutory	
Federal Income Tax	-187.70	1,358.91
Social Security Tax	-133.18	1,062.08
Medicare Tax	-31.15	248.39
CA State Income Tax	-35.69	233.25
CA SUI/SDI Tax	-12.89	102.78
<b>Other</b>		
Expnse		-720.00
Gas Reimb		-2,153.40
Tools		800.00
<b>Adjustment</b>		
Gas Reimb	+640.20	
<b>Net Pay</b>	<b>\$2,387.65</b>	

Your federal taxable wages this period are  
\$2,148.06

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